



## Cambodia

### Country Reports on Human Rights Practices - [2001](#)

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Cambodia is a constitutional monarchy. Political stability, achieved through the coalition government formed following the 1998 national elections, continued through year's end. Hun Sen of the Cambodian People's Party (CPP) is Prime Minister, Prince Norodom Ranariddh of the National United Front for a Neutral, Peaceful, Cooperative, and Independent Cambodia (FUNCINPEC) is President of the National Assembly, and Chea Sim of the CPP is President of the Senate. King Norodom Sihanouk remains the constitutional monarch and Head of State. Most power lies within the executive branch and, although its influence continues to grow within the coalition structure, the National Assembly does not provide a significant check to executive power. The Khmer Rouge no longer is a political or military threat. The judiciary is not independent; it frequently is subject to legislative and executive influence, and suffers from corruption.

The National Police, an agency of the Ministry of Interior, have primary responsibility for internal security, but the Royal Cambodian Armed Forces (RCAF), including the military police, also have domestic security responsibilities. Security forces are nominally under the control of civilian authorities, but in practice answer to persons within the CPP. The responsiveness of local police and military commanders to civilian authorities varies by location. Members of the security forces committed numerous documented human rights abuses.

Cambodia is a poor country. It has a market economy in which approximately 80 percent of the population of 12.1 million engage in subsistence farming, with rice as the principal crop. Economic deprivation and poor health characterize life for most citizens. Annual per capita gross domestic product is \$257. Average life expectancy is approximately 50 years. Foreign aid is an important component of national income. The economy grew at an estimated rate of 4.0 percent during the year. The country has a thriving garment export industry, but has difficulty in attracting foreign investment and mobilizing domestic savings to support economic development.

The Government generally respected the human rights of its citizens in a few areas; however, its record was poor in many other areas, and serious problems remained. The military forces and police were responsible for both political and nonpolitical killings, and the Government rarely prosecuted anyone in such cases. There were other apparently politically motivated killings by nonsecurity force persons as well. The Government arrested suspects in some of these cases and convicted suspects in two such cases. Police acquiesced in or failed to stop lethal violence by citizens against criminal suspects; the Government rarely investigated such killings, and impunity remained a problem. There were credible reports that members of the security forces tortured, beat, and otherwise abused persons in custody, often to extract confessions. Prison conditions remained harsh, and the Government continued to use arbitrary arrest and prolonged pretrial detention. Impunity for many who commit human rights abuses remained a serious problem. With some exceptions, national and local government officials lacked the political will and financial resources to act effectively against members of the security forces suspected of responsibility for human rights abuses. Democratic institutions, especially the judiciary, remained weak. The judiciary is subject to influence and interference by the executive branch and is marred by inefficiency and corruption. Politically related crimes rarely were prosecuted. Citizens often appear without defense counsel and thereby effectively are denied the right to a fair trial. The Supreme Council of Magistracy disciplined 26 judges and prosecutors for misconduct during the year but did not impose harsh penalties. Land disputes remained frequent, and the Government and courts did not consistently resolve them in a just manner. A new land law went into effect in July. The Government largely controlled and influenced the content of the electronic broadcast media, especially television. The authorities on occasion attempted to interfere with freedom of assembly. Election related violence and intimidation occurred less frequently than in previous national elections, and the Government took action against some perpetrators, but not consistently. Societal discrimination against women remained a problem. Domestic violence against women and abuse of children were common. Discrimination against persons with disabilities was a problem.

The ethnic Vietnamese minority continued to face widespread discrimination. Unlike in previous years, the political opposition did not exploit actively anti-Vietnamese sentiment. The number of trade unions grew, and they became more active than in previous years. The Government continued to express support for freedom of association but did not enforce freedom of association and other provisions of the Labor Law effectively. Antiunion activity continued. Child labor continued to be a problem in the informal sector of the economy, including in the commercial sex industry, where forced labor was also a serious problem. Domestic and cross-border trafficking in women and children, including for the purpose of prostitution, was a serious problem. Mob violence, although none was ethnically directed, resulted in some vigilante-style killings. Landmines killed 163 persons and injured 634.

In July a law entered into force establishing a special tribunal to bring Khmer Rouge leaders to justice for genocide and war crimes committed from 1975 through 1979. The Government is seeking assistance and cooperation from the United Nations and will need financial assistance from foreign donors to make the tribunal operational.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

Allegations of politically motivated killings increased during the year as preparations for February 2002 commune-level elections began. The U.N. High Commissioner for Human Rights (UNHCHR) reported that during the year 12 political activists, including candidates, were killed under circumstances that were suspect. Human rights monitoring organizations agreed that at least five of these killings were politically motivated. All of the victims were members of the FUNCINPEC party or the opposition Sam Rainsy Party (SRP). The Government arrested suspects in several such cases, and convicted the accused in two cases. However, UNHCHR reported that there were serious shortcomings in the police investigations and in the subsequent judicial process, including a reluctance to probe possible political motives. In some cases, the authorities failed to execute summonses or search warrants against suspects believed to be protected by the military. Government officials also declared the crimes not to be politically motivated before investigations were complete, and actively propagated rumors that the killers believed the victims were sorcerers, even in cases where there was no evidence of such a motive. The investigation of some cases proceeded very slowly, and, in one case, the authorities did not question a village chief who had advance knowledge of plans to kill the victim but failed to report or act to prevent it. In October a provincial court convicted the confessed killer and an accomplice in the June murder of SRP activist Uch Horn, sentencing them to 15 and 14 years in prison respectively. In March a Kampong provincial court sentenced a former CPP commune chief to 17 years in prison for the June 2000 murders of a FUNCINPEC activist and his wife. The judges did not comment on whether the killings were politically motivated.

There were numerous allegations of beatings of prisoners in police custody, including one case in Prey Veng province in July in which police beat a prisoner to death. A domestic nongovernmental organization (NGO) reported that between January and October 15 prisoners died of disease while in custody (see Section 1.c.).

Police and military forces continued to acquiesce in or fail to prevent mob violence against suspected criminals, which resulted in dozens of killings, although the number of such killings was lower than in previous years. In April a mob overpowered police and beat two alleged robbers in police custody to death. The Government never has prosecuted anyone for participation in such cases of mob violence, but a provincial court in Svay Rieng did begin an investigation into one such mob killing that occurred in 1999.

According to the Cambodian Red Cross, 163 persons were killed and 634 injured by landmines deployed by the Khmer Rouge or various government forces during previous conflicts. The number of such casualties was slightly higher than in 2000, but substantially lower than in previous years.

The Government has not arrested or prosecuted anyone in connection with the killing of three persons by soldiers in Kratie province in May 2000. Human rights organizations continue to investigate these killings, as well as the alleged disappearance of 32 other persons in connection with the same event. Of the 32, 9 eventually were confirmed to be alive, and the Government maintains that no one is missing.

The Government has not prosecuted most of those responsible for the numerous political or extrajudicial killings committed during the term of the previous government (from 1993 to 1998) and reported by UNHCHR in 1997 and 1998. Former Khmer Rouge officials Ta Mok and Kiang Kek Iev ("Duch"), accused of mass killings and other crimes, remained in jail. Government efforts continued to bring these and other senior Khmer Rouge

officials to justice for their alleged crimes committed from 1975 through 1979, and included the entry into force of a law establishing a special tribunal to bring Khmer Rouge leaders to justice (see Section 1.e.). The Government is seeking assistance and cooperation from the U.N. and will need financial assistance from foreign donors to make the tribunal operational.

The Supreme Court is considering an appeal filed by former Khmer Rouge commander Nuon Paet of an October 2000 Appeals Court decision upholding his 1999 conviction for his role in a 1994 train ambush that resulted in the deaths of 3 foreigners and at least 13 citizens. Nuon Paet remained in custody serving a life sentence. In May prosecutors sent forward an appeal by the families of the foreign victims of the July 2000 acquittal of Chhouk Rin, another former Khmer Rouge commander allegedly involved in the ambush. In June the RCAF discharged Sam Bith, a third former Khmer Rouge commander implicated in the ambush, and dismissed him from his position as advisor to the Co-Minister of Defense. Sam Bith had not been arrested by year's end.

In June a municipal court convicted 30 persons, including 2 in absentia, and acquitted 2 others on charges of terrorism or conspiracy and membership in an armed group for their roles in the November 2000 attack in Phnom Penh by the foreign-headquartered Cambodian Freedom Fighters (CFF) organization in which 8 persons were killed and 14 others injured (see Section 1.e.). In November the municipal court convicted another 26 persons and acquitted 2 others in connection with the incident. Human rights groups and other observers criticized the Government and courts for the way they conducted their investigation and trials (see Section 1.d.). Some of those convicted have appealed.

#### b. Disappearance

There were no confirmed reports of politically motivated disappearances, but local NGO's investigated cases in several provinces in which individuals allegedly disappeared after detention by police. One such person was located by a local NGO in his home village. The UNHCHR and a local NGO also continued investigating the disappearance in 2000 of five persons from various parts of Kratie province following detention by security officials (these disappearances are unrelated to the 23 persons who allegedly disappeared there in May 2000 (see Section 1.a.)). By year's end, all five remained missing, and government and NGO efforts to establish their whereabouts continued.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and physical abuse of prisoners; however, torture, beatings, and other forms of physical mistreatment of persons held in police or military custody continued to be a serious problem throughout the country. There were credible reports that military and police officials used physical and psychological torture and severely beat criminal detainees, particularly during interrogation. The problem was compounded by a climate of impunity, whereby police and security force perpetrators of torture and abuse frequently were protected from prosecution or disciplinary action by local government authorities, despite some central government efforts to curtail or eliminate violations of prisoners' rights and to address problems of accountability.

During the year, the Ministry of Interior was slow to investigate allegations by the UNHCHR of torture and severe abuse of individuals in detention in various parts of the country, including one case in July in Prey Veng province when police beat a prisoner to death. However, provincial prosecutors filed preliminary charges against prison officials in Kampong Cham province for alleged mistreatment of prisoners following an escape attempt in 1999.

Dozens of detainees in several provinces reported regular beatings in police custody. One domestic human rights NGO investigated 21 cases of torture involving 27 victims during the year. There were few reports of torture or physical abuse of prisoners who have been convicted and are serving their sentences. The Ministry of Interior's Prisons Department is responsible for both detainees and prisoners.

There were credible reports that local authorities harassed members of the FUNCINPEC party and the SRP. Such harassment allegedly included death threats, threats of loss of citizenship documents, and the withholding of routine services (see Section 3.).

Prison conditions remained harsh, and government efforts to improve prison conditions and implement new regulations were hampered by lack of funds and weak enforcement. Human rights organizations cited a number of serious problems, including overcrowding, health problems, food and water shortages, malnutrition, and poor security. One domestic NGO reported that 50 prisoners died of disease while in custody during the year. In most prisons, there is no separation of adult prisoners and minors, or of persons convicted of serious

crimes and persons detained for minor offenses, and there is inadequate separation of male and female prisoners. Use of shackles and the practice of holding prisoners in small, dark cells continued in some prisons after escape attempts. Government ration allowances for purchasing prisoners' food remained inadequate, exacerbating malnutrition. Regulations permit families to provide prisoners with food and other necessities, and prisoners depend on such outside assistance; however, families often must bribe prison officials in order to be allowed to provide it.

The Government continued to allow international and domestic human rights groups to visit prisons and prisoners and to provide human rights training to prison guards. However, NGO's reported that on occasion cooperation from local authorities was limited (see Section 4). During the year, the Ministry of Interior began requiring lawyers, human rights monitors, and other visitors to obtain letters of permission from the Ministry prior to visiting prisoners. The Ministry has withheld such permission in some cases, particularly for individuals in detention in connection with the crackdown on the CFF (see Section 1.d.). Human rights groups and lawyers also noted that the Government in midyear began to deny them permission to meet prisoners in private, thus inhibiting the ability of lawyers to defend clients and of human rights groups to monitor prison conditions (see Section 4).

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the Government continued to arrest and detain citizens arbitrarily. A penal code drafted by the U.N. Transitional Authority for Cambodia (UNTAC) in 1992 remains in effect, as does the 1993 Criminal Procedure Law. The Criminal Procedure Law provides adequate protection for criminal suspects; however, in practice the Government sometimes ignored these provisions. One NGO recorded 28 complaints of unlawful detention and arrest by police, military, or local government authorities between March and August. The Government initiated a crackdown on the CFF in September during the course of which it arrested over 70 suspects, including dozens without arrest warrants, and detained and subsequently released dozens more. The Government held some suspects incommunicado and denied them access to lawyers for a period of time.

Although lengthy detention without charge is illegal, suspects often were held by authorities for long periods before being charged or brought to trial or released. In August an NGO provided the Ministry of Justice with information about 120 persons in prolonged detention throughout the country. According to the UNHCHR, such prolonged detention largely was a result of a growing prison population and the limited capacity of the court system. Accused persons legally are entitled to a lawyer; however, in practice they often have limited access to legal representation. Prisoners routinely are held for several days before gaining access to a lawyer or family members, although the legal limit is 48 hours. Although there is a bail system, many prisoners, particularly those without legal representation, often have no opportunity to seek release on bail.

The Constitution prohibits forced exile, and in practice the Government does not use it. No persons were known to be in self-imposed exile during the year.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the Government does not respect this provision in practice. The courts were subject to influence and interference by the executive, and there is widespread corruption among judges, virtually none of whom received a living wage.

A serious lack of resources and poor training contributed to corruption and inefficiency in the judicial branch, and in practice the Government does not ensure due process. For example, judges often have no legal training and often lack copies of the laws upon which they are expected to rule. As a result of these weaknesses, citizens often effectively were denied a fair trial in jurisdictions without regular access to defense lawyers or international judicial assistance programs. The Judicial Reform Council established in 2000 has made no significant progress in fulfilling its mandate to develop and implement judicial reform measures. During the year, the Supreme Council of the Magistracy disciplined 26 judges and prosecutors for misconduct, but none was removed from his position. The harshest penalties meted out were the transfers of eight judges. In June the Supreme Council of the Magistracy nominated to the Appeals Court a former court president and a former prosecutor who had been suspended from their positions and investigated for accepting bribes in 1999. No information about the investigation was released.

Human rights groups continued to report that the Government demonstrates its control of the courts by ordering the rearrest of suspects released by the courts. In September the Prime Minister ordered the rearrest of an acquitted suspected rapist, on the ground that his release was irregular. Legal observers charge that the Supreme Council of the Magistracy is subject to political influence, and does not protect effectively the independence of the judiciary.

The courts and police often pressure crime victims to accept small cash settlements from the accused instead of seeking prosecution. When a case was tried, a judge sometimes determined the verdict before the case was heard, often on the basis of a bribe paid by the accuser or the defendant. Sworn, written statements from witnesses and the accused usually were the extent of evidence presented in trials. Statements by the accused sometimes were coerced through beatings or threats from investigation officials, and illiterate defendants often were not informed of the content of written confessions that they were forced to sign (see Section 1.c.). In cases involving military personnel, military officers often exerted pressure on judges to have the defendant released without trial.

Court delays or corrupt practices often allowed those accused of crimes to escape prosecution, leading to impunity for some government officials or members of their families who commit crimes.

The courts prosecuted some members of the security forces for human rights abuses, but impunity for those who commit human rights abuses remained a problem. With some exceptions, national and local government officials continued to lack the political will and financial resources to act effectively against military or security officials suspected of human rights abuses.

The court system consists of lower courts, an appeals court, and a Supreme Court. The Constitution also mandates a Constitutional Council, which is empowered to review the constitutionality of laws, and a Supreme Council of the Magistracy, which appoints, oversees, and disciplines judges. The composition of both of these bodies is viewed widely as biased toward the CPP. There is a separate military court system.

Trials are public. Defendants have the right to be present and to consult with an attorney, to confront and question witnesses against them, and to present witnesses and evidence on their own behalf. However, trials typically are perfunctory, and extensive cross examination usually does not take place. In 1998 the introduction of newly trained lawyers, many of whom received supplemental training by NGO's, resulted in significant improvements for those defendants provided with counsel, including a reduced pretrial detention period and improved access to bail; however, there remained a critical shortage of trained lawyers in most parts of the country--especially outside Phnom Penh. Persons without the means to secure defense counsel often effectively are denied the right to a fair trial.

Defendants are entitled by law to the presumption of innocence and the right of appeal. However, because of pervasive corruption, defendants often are expected to bribe the judge for a favorable verdict, thereby effectively eliminating the presumption of innocence. Citizens' rights to appeal sometimes are limited by the lack of transportation and other logistical difficulties in transferring prisoners from provincial prisons to the appeals court in Phnom Penh. Many appeals thus are heard in the absence of the defendant. Lawyers also noted that in midyear, the authorities began to deny them the right to meet prisoners in private (see Section 1.c.), in violation of the law.

In June human rights groups criticized the convictions of 30 alleged members of the CFF in June, and 26 in November (see Section 1.a.). Although some of the defendants freely admitted involvement in an armed attempt to overthrow the Government, observers raised valid criticisms about the lack of thorough investigation or meaningful cross examination, and the judge's broad use of discretion in accepting or rejecting evidence. A number of the defendants were arrested without warrants and were held longer than the 6-month maximum period of detention permitted by the law.

There was ongoing cooperation among the Government, foreign government donors, and NGO's to improve the legal system.

The military court system suffers from deficiencies similar to those of the civilian court system. Moreover the legal distinction between the military and civil courts often was ignored in practice; several civilian persons arrested for crimes that appear to have no connection with military offenses have been detained for trial by the military court.

In July a law entered into force establishing a special tribunal to bring Khmer Rouge leaders to justice for genocide and war crimes committed from 1975 through 1979. The Government is seeking assistance and cooperation from the U.N., and financial contributions from foreign donors, to make the tribunal operational.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the privacy of residences and correspondence and prohibits illegal searches;

however, the police routinely conducted searches and seizures without warrants. There were no reports that the Government monitored private electronic communications.

Citizens were free to live where they wished; however, there were continued frequent reports of land disputes between residents, local authorities, businesspersons, and military officials. Since the forced collectivization during Khmer Rouge rule and the return of thousands of refugees, land ownership often is unclear, and most landowners lack adequate formal documentation of ownership. Following the end of the Khmer Rouge insurgency, a rush to gain possession of lands near potentially lucrative cross-border trade routes has exacerbated the ownership problem. Several provinces have created land dispute settlement committees; representatives of local NGO's and of the military forces frequently attended committee meetings. Members of the committees often had apparent conflicts of interest, and observers criticized dispute resolution as inconsistent and not transparent.

One domestic NGO investigated 140 land disputes involving Government officials during the year. In one such case in March, a judge in Ratanakiri province ruled against a group of ethnic hill tribe villagers in a land dispute, even though they presented evidence that they had been cheated, because the defendant, an RCAF general, held a title issued by the proper local authorities. The plaintiffs have appealed the case.

In July the National Assembly passed a new land law, clarifying ownership and recognizing for the first time various forms of communal property arrangements, including for indigenous minorities. The Government was in the process of preparing implementing regulations for the new law, and working to improve the land titling system.

## Section 2. Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of expression, press, and publication, and the Government generally respects these rights in practice; however, there continued to be some problems. The Constitution implicitly limits free speech by requiring that speech not adversely affect public security. The Constitution also declares that the King is "inviolable." The Press Law provides journalists with a number of rights, including a prohibition on prepublication censorship and protection from imprisonment for expressing opinions. However, the Press Law also includes a vaguely worded prohibition on publishing articles that affect national security and political stability. There were no reports that print journalists practiced self-censorship. There were a large number of news items critical of the Government, which included frequent highly personal criticism of the Prime Minister, the President of the National Assembly, and other senior officials.

In November 2000, the Ministry of Information approved a regulation that specified professional requirements for new newspaper and magazine publishers, and introduced a mandatory licensing system requiring that newspapers renew their licenses annually and that magazines renew their licenses every 2 years. Some journalists' organizations viewed the draft regulation as an attempt to increase Government control over the media. The Ministry was engaged in consultations with these organizations, and had not implemented the regulation by year's end.

Although limited in circulation, newspapers were a primary source of news and expression of political opinion. All major political parties have reasonable and regular access to the print media. In general newspapers were aligned politically. The law permits newspapers to receive financial support from political parties and some newspapers do, including from FUNCINPEC and from the SRP. There were approximately 16 Khmer-language newspapers published regularly, which was roughly the same number as in 2000. Of these, 11 were considered to be progovernment, 4 were considered to support the opposition Sam Rainsy Party (SRP), 1 was considered to support the FUNCINPEC Party, and 1 was considered to be antimonarchy. In addition there was one French-language daily, one English-language daily, and two other English newspapers published regularly. Many of the Khmer-language newspapers frequently published articles translated from the English-language newspapers.

Although the two largest circulation newspapers are considered progovernment, most newspapers criticize the Government frequently, and Prime Minister Hun Sen and National Assembly President Prince Norodom Ranariddh frequently came under strong attack by opposition newspapers. During the year, there were no clear instances of government intimidation or retribution against newspapers for reporting critical of the Government. The director and editor-in-chief of a weekly newspaper were held from April until August on charges of theft and extortion after allegedly asking the owner of a private company for \$500 (specifically in U.S. currency) in exchange for not running a negative story. They were released when the investigating judge dropped the case due to lack of evidence. The newspaper has resumed publication. Domestic journalists' organizations did not challenge the detentions, but appealed to the Government to ensure freedom of the

press.

In September the Minister of Foreign Affairs and International Cooperation won a defamation suit against three journalists from an English-language newspaper for an article containing an attributed quote suggesting that during the 1975-1979 Khmer Rouge regime he played a role in sending prisoners to be interrogated and executed from the prison and reeducation camp where he was the head inmate. The court proceedings were marred by irregularities. The judge did not consider relevant evidence offered by the defendants, and collected evidence of her own in violation of her mandate. The judge denied the defendants' request to be tried under the 1995 Press Law rather than the 1991 transitional UNTAC code, but then ordered them to pay damages to the Foreign Minister and the state under both laws.

In August a municipal judge filed a libel case against an opposition-affiliated newspaper for publishing an article alleging that the judge accepted kickbacks in a property dispute case.

The Government, the military forces, and political parties continued to dominate the broadcast media and to influence their content. According to a report by the UNHCHR, the procedures for licensing and allocation of radio and television frequencies to the media were not impartial. The opposition party in past years was unable to obtain a broadcast license and during the year briefly broadcast radio programming from a site in a neighboring country, but suspended broadcasts for technical reasons. Broadcast journalists reportedly practice self-censorship to enhance prospects for keeping their broadcast license.

There are six television stations, all controlled or strongly influenced by the Government. Government control severely limits the content of television broadcasting. At the initiative of the National Assembly president the Ministry of Information's television station broadcasts live telecasts of National Assembly sessions. Election observers and political parties running against the CPP in local elections complained that they were not given equal access to the media.

National radio and television stations regularly broadcast some human rights, social action, public health, and civil society programming produced by domestic NGO's.

Internet service, which is available widely in the larger towns, is unregulated.

In August the Government issued an order banning the sale of and threatening to confiscate a book published by the SRP. A Government spokesman described it as "promoting instability" but never specified what law the publication violated. The Government never implemented its confiscation threat. The SRP removed the book from circulation and filed a lawsuit against the Government, which was not settled as of year's end.

Academic freedom is respected.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, but the Government does not fully respect this right in practice. During the year, numerous groups assembled peacefully, including workers and teachers protesting working conditions or wages, political opposition activists supporting various causes, students protesting border encroachments and the visit of Chinese leaders to the country, and various groups protesting land seizures. On occasion, counterdemonstrations by other citizens who supported the Government disrupted the protests, which sometimes resulted in clashes that caused minor injuries to some participants. On one occasion in June and on two occasions in September, police intervened in allegedly violent labor actions (see Section 6.a.). In the course of the June intervention, police detained five labor leaders for alleged involvement in violence. The five subsequently were released.

The Government requires a permit be obtained in advance of a march or demonstration. The Government often did not issue a requested permit or took no action on a permit application; however, these actions had no practical effect because demonstrations proceeded anyway.

In June the Government forbade a private conference on border issues planned by a student group in conjunction with an organization of expatriate Cambodians at a Phnom Penh hotel. The Government never explained the legal basis for its action, but conference organizers canceled the event after the hotel refused to allow the conference on its premises. Throughout the year, there were complaints from various organizations that local authorities demanded that they apply for permission to hold meetings and other events, despite the fact that there is no legal basis for such requirements.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. However, the Government does not enforce effectively the freedom of association provisions of the Labor Law (see Section 6.a.). In October, the Government adopted a standard Memorandum of Understanding for NGO's, which eliminated provisions from an earlier draft NGO law that the NGO community opposed.

The Government does not coerce or forbid membership in political organizations. Political parties normally are able to conduct their activities freely and without government interference. However, there were several documented cases of harassment of FUNCINPEC and SRP activists and candidates in connection with preparations for the scheduled commune-level elections (see Section 3).

Membership in the Khmer Rouge, which previously conducted an armed insurgency against the Government, is illegal, as is membership in an armed group.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Constitution also prohibits discrimination based on religion, and minority religions experience little or no official discrimination. Buddhism is the state religion and over 95 percent of the population is Buddhist. Most of the remainder is made up of ethnic Cham Muslims, who are well integrated into society.

The law requires all religious groups, including Buddhists, to submit applications to the Ministry of Cults and Religious Affairs in order to construct places of worship and to conduct religious activities. Religious groups have not encountered significant difficulties in obtaining approvals for construction of places of worship, but some Muslim and Christian groups reported delays by some local officials in acknowledging that official permission has been granted to conduct religious meetings in homes. Such religious meetings take place unimpeded despite delay or inaction at the local level, and no significant constraints on religious assembly have been reported. In October the Ministry of Cults and Religions issued a circular on "maintaining order in the Islamic religion in the Kingdom of Cambodia," which would have imposed new restrictions on mosques, including requiring Ministry approval for certain normal activities, particularly those that involved contact with Muslim foreigners. The Prime Minister canceled the circular 3 days later, describing it as contrary to government policy on freedom of religion.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and law provide for these rights and the Government generally respects them in practice. The Government does not restrict domestic or international travel, although the presence of land mines (see Section 1.a.) and bandits makes travel in some areas of the country dangerous.

There were no reports of persecution or discrimination against refugees who returned from abroad. The U.N. High Commissioner for Refugees (UNHCR) program assisting in the resettlement of refugees who returned from Thailand formally terminated on December 31. There was no new resettlement of internally displaced persons during the year. Internally displaced persons who resettled in previous years were able to return to their original places of origin, except where land mines were a problem.

The law provides for the granting of asylum and/or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government allows noncitizens to apply to the UNHCR for refugee status. The Government provides first asylum. In March the Government began to facilitate access for Montagnard asylum-seekers from Vietnam to the UNHCR, helped the UNHCR establish temporary refuge locations in two provinces, and cooperated with UNHCR and a foreign government in resettling 38 refugees in the foreign country. The number of residents at the UNHCR's two temporary sites increased gradually during the year, and was 957 individuals at year's end. The Government engaged in a tripartite dialog with UNHCR and the Government of Vietnam to resolve the Montagnard refugee problem. However, between March and the end of the year, there were reports that local authorities repatriated as many as 256 possible asylum-seekers against their will, in violation of standing policy to allow them access to UNHCR. This included one group of up to 167 persons deported from Mondolkiri province on December 27. None of these local officials have been punished for their actions. In August the Government also deported to Vietnam a group of up to 43 asylum-seekers who had been processed and denied refugee status by the UNHCR.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully. The 1998 electoral campaign and its aftermath were marred by protests, voter intimidation, and partisan violence, some of it



government directed. Despite such incidents, the formation of the new Government appeared to reflect the will of the electorate. Most international and observer groups certified the election as acceptable. The coalition Government formed in late 1998 between the CPP and FUNCINPEC, the two parties that won the largest number of votes and National Assembly seats in the 1998 election, renewed political stability. The coalition agreement provided for roughly equal power sharing between the parties, with Hun Sen of the CPP as Prime Minister and Prince Norodom Ranariddh of FUNCINPEC as President of the National Assembly. However, in practice the CPP is the dominant partner. The coalition agreement also provided for the creation of a Senate, which was formed in March 1999 with Chea Sim of the CPP as President. The Senate's function is to review and provide advice on the laws passed by the National Assembly; the National Assembly retains final authority over whether to modify legislation based on the Senate's recommendations. In practice the Senate's role largely is perfunctory, while the National Assembly is a more credible forum for national debate.

Although growing in influence, the legislature remained weak in comparison with the executive branch. The coalition Government appointed the 24 provincial and municipal governors and their deputies, who are divided between the CPP and FUNCINPEC parties, as well as district officials. Commune-level officials are appointed by the Ministry of Interior, and many have been in power since 1979. All commune-level officials are members of the CPP. In March a Commune Election Law and a Commune Administration Law went into effect, and the Prime Minister scheduled elections for February 2002. These are to be the first local elections ever held in the country, and will replace appointed commune chiefs, some of whom have been in office for over 20 years, with elected councils. Suffrage is universal and voluntary for all citizens over the age of 18. Most citizens participated in national elections in 1993 and 1998, and over 83 percent of eligible voters registered to vote in local elections scheduled for February 2002. More than one candidate was registered in 1,608 of the country's 1,621 communes.

There have been some problems of intimidation and violence in the campaign for the commune elections; however, by year's end they had been less than in the national elections in 1993 or 1998. A total of 12 FUNCINPEC and SRP activists and candidates were killed under suspicious circumstances, including 5 killings that human rights monitoring organizations agreed were politically motivated (see Section 1.a.). The authorities arrested suspects in several of these cases, and convicted suspects in two other cases. The UNHCHR uncovered no evidence of a centrally organized campaign of violence or intimidation; most cases appeared to be the work of local officials. However, UNHCHR also reported that police investigations of such incidents and subsequent judicial processes showed serious shortcomings. There also were widespread reports of various forms of intimidation such as vandalism, oath taking, collection of voter registration cards by local authorities, and death threats. The National Election Committee did not carry out effectively its legal mandate to investigate such election violations and punish the perpetrators. These are the first elections the country has organized without substantial foreign assistance, and election preparations also were marked by poor dissemination of information and other logistical and administrative problems. Some political parties and election observers claim that the authorities did not do enough to ensure that all voters who wished to vote could register.

Traditional cultural practices inhibit the role of women in government, and the percentage of women in government and politics does not correspond to their percentage of the population. However, women took an active part in the 1998 national election and have registered for the 2002 elections at roughly the same rate as men. There are 10 women among the 122 members of the National Assembly, 8 women among the 61 members of the Senate, and 2 female ministers and 3 female state secretaries in the Cabinet.

There are several members of ethnic and religious minorities in the Cabinet and the National Assembly (see Section 5); however, the percentage of minorities, particularly ethnic Vietnamese, in government and politics is somewhat smaller than their percentage of the population.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The large domestic and international human rights community remained active and engaged in diverse activities. The UNHCHR and numerous other human rights organizations conducted monitoring activities and human rights training for provincial officials, military officers, villagers, the legal community, and other groups. These organizations operated relatively freely throughout the country, investigating and publicizing their findings on human rights cases. There are approximately 40 NGO's involved in human rights activities, although only a small portion of them actively were involved in organizing training programs or investigating abuses. The Government generally cooperated with human rights workers in performing their investigations; however, during the year there were several reports of poor cooperation or intimidation by local authorities throughout the country.

In September 1999, the Government and the UNHCHR agreed to an extension until March 2002 of the UNHCHR's activities in the country, but a formal memorandum of understanding had not been signed by year's

end. The UNHCHR maintains a head office in Phnom Penh and has eight provincial offices. The U.N. Special Representative for Human Rights visited the country three times during the year, and met with government representatives at all levels, as well as with representatives of political parties and NGO's.

Human rights groups and lawyers noted that in midyear the Government began to deny them the right to meet with prisoners in private, which inhibited lawyers in defending their clients and human rights groups in monitoring prison conditions (see Section 1.c.).

The Cambodian Human Rights Committee, which the Government established in 1998, largely was inactive throughout the year, and its activities were not credible.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, color, language, religious beliefs, or political views. Although the Government does not engage in discrimination systematically, it sometimes failed to protect these rights in practice.

#### Women

Domestic and international NGO's report that violence against women, including domestic violence and rape, was common. Although comprehensive statistics are not available, one local NGO reported 423 cases of domestic violence during the year. A local human rights monitoring organization reported 141 cases of rape. Authorities normally declined to become involved in domestic disputes, and the victims frequently were reluctant to issue formal complaints.

The law prohibits rape and assault. Spousal rape and domestic abuse are not recognized as separate crimes. A case of spousal rape could be prosecuted as "causing injury" or "indecent assault," but women's groups report that such charges were rare.

Prostitution is prohibited constitutionally; however, there is no specific legislation against it, and prostitution and trafficking in women were serious problems (see Sections 6.c. and 6.f.). Although the Government devoted greater attention to the problem of trafficking during the year and initiated several prosecutions, it has not enforced effectively a 1996 law against the exploitation and sale of human beings. Despite sporadic crackdowns on brothel operators in Phnom Penh, prostitution continued to flourish. A survey by a local human rights NGO found that 40 percent of women and girls who work as prostitutes do so voluntarily, while 60 percent have been forced to work as prostitutes or have been deceived into prostitution. The NGO also estimated that there are up to 55,000 sex workers in the country. Sex tourism was a problem.

The Labor Law has provisions against sexual harassment in the workplace, and the International Labor Organization (ILO) reports that in the industrial sector it was rare. It was not known to be a problem in other sectors of the economy.

The Constitution contains explicit language providing for equal rights for women, equal pay for equal work, and equal status in marriage. In practice women have equal property rights with men, have the same status in bringing divorce proceedings, and have equal access to education and some jobs. However, cultural traditions continued to limit the ability of women to reach senior positions in business and other areas.

According to NGO reports, women make up 52 percent of the population, 60 percent of agricultural workers, 85 percent of the business work force, 70 percent of the industrial work force, and 60 percent of all service sector workers. Women often are concentrated in low-paying jobs in these sectors and largely are excluded from management positions. There are a large number of women's NGO's that provide training for poor women and widows and address social problems such as spousal abuse, prostitution, and trafficking. A media center produces and broadcasts programming on women's issues. NGO's provide shelters for women in crisis.

#### Children

The Constitution provides for children's rights, and ensuring the welfare of children is a specific goal of the Government. The Government relies on international aid to fund most social welfare programs targeted at children, resulting in only modest funds for problems that affect children.

Children are affected adversely by an inadequate education system. Education is free but not compulsory through grade nine; many children leave school to help their families in subsistence agriculture, begin school at

a late age, or do not attend school at all. Despite an extensive government school construction program, schools are overcrowded and lack sufficient equipment. Less than 5 percent of primary school teachers have completed high school, and teachers' salaries were not adequate to support a decent standard of living, leading to demands for unofficial payments directly from parents, which the poorest families cannot afford. The Government does not deny girls equal access to education; however, in practice families with limited resources often give priority to educating boys. In many areas, schools are remote, and transportation is a major problem. This particularly affects girls because of fears for their safety in traveling between their homes and schools.

Children frequently suffer from malnutrition and the inadequacy of the health care system. Infant mortality was reported most recently at 95 per thousand, and 12.5 percent of children do not live to the age of 5 years. Child mortality from preventable diseases is high.

Child abuse was believed to be common, although there were no statistics available. Poverty and domestic violence often drive children to live on the streets; domestic NGO's estimate there are more than 10,000 street children in Phnom Penh alone, who are easy targets for sexual abuse and exploitation. Although sexual intercourse with a minor person under the age of 15 is illegal, child prostitution and trafficking in children were common (see Sections 6.c. and 6.f.). In July 1999, the Government adopted a 5-year plan against child sexual exploitation that emphasized prevention through information and protection through law enforcement. To combat sex tourism, during the year the Government prosecuted at least six cases in which foreigners were charged with pornography violations or pedophilia.

The illegal purchase and sale of infants and children for adoption is a serious problem. There were several documented cases in which individuals or organizations purchased infants or children from their natural parents, created fraudulent paper trails to document the children as orphans, and then earned substantial profits from fees or donations from unwitting adoptive families, including foreign families. Some of these children may end up being exploited. In some of these cases, the perpetrators encouraged women to give up their children under false pretenses, for example, by promising to care for the children temporarily but then refusing to return them. During the year, police arrested at least seven individuals in two separate cases involving orphans for adoption. The accused were charged under the Trafficking Law (see Section 6.f.).

Child labor is a problem in the informal sector of the economy (see Section 6.d.).

#### Persons with Disabilities

The Government does not require that buildings or government services be accessible to persons with disabilities. According to the Government, approximately 1 in 250 citizens is missing at least one limb. This statistic reflects the continuing effects of landmine detonations. Programs administered by various NGO's have brought about substantial improvements in the treatment and rehabilitation of persons who have lost limbs. However, persons who have lost limbs face considerable societal discrimination, particularly in obtaining skilled employment.

#### National/Racial/Ethnic Minorities

Citizens of Chinese and Vietnamese ethnicity constitute the largest ethnic minorities. Ethnic Chinese citizens are well accepted in society. However, animosity toward ethnic Vietnamese who are seen as a threat to the nation and culture continues. The rights of minorities under the 1996 nationality law are not explicit; constitutional protections are extended only to "Khmer people," that is, Cambodians. Unlike in previous years, the political opposition did not exploit actively anti-Vietnamese sentiment. Student groups continued to make strong anti-Vietnamese statements during the year; they complained of political control, border encroachments, and other problems for which they held ethnic Vietnamese persons within the country at least partially responsible. In several parts of the country, some political parties also unsuccessfully challenged the voter registration rights of ethnic Vietnamese who were citizens.

In March the courts convicted six ethnic Vietnamese fisherman (three in absentia) for their role in the 2000 killing of three government fisheries officials in Kandal province. Ethnic bias did not appear to be a factor in the crime or the verdict.

Also in March, a provincial judge ruled against ethnic hill tribe villagers in a land dispute. Ethnic bias did not appear to be a factor in the judgment, but political influence was seen as important in this affair (see Section 1.f.).

#### Section 6 Worker Rights

#### a. The Right of Association

The Labor Law provides workers with the right to form professional organizations of their own choosing without prior authorization, and all workers are free to join the trade union of their choice; however, the Government's enforcement of these rights was inconsistent. Membership in trade unions or employee associations is not compulsory, and workers are free to withdraw from such organizations; however, the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation (MOSALVY) has accepted the charter of at least one union that requires workers to obtain permission before they may withdraw. The Labor Law does not apply to civil servants, including teachers, judges, and military personnel, or to household servants. Personnel in the air and maritime transportation industries are not subject fully to the law, but are free to form unions.

Most workers are subsistence rice farmers. Only a small fraction (estimated at less than 1 percent) of the labor force is unionized, and the trade union movement, still in its infancy, is very weak. Unions are concentrated in the garment and footwear industries, where approximately 25 to 30 percent of the 150,000 to 170,000 workers were union members. Although there was an expanding service sector, most urban workers were engaged in small-scale commerce, self-employed skilled labor, or unskilled day labor. The Labor Law requires unions and employer organizations to file a charter and list of officers with the MOSALVY. The MOSALVY registered 245 factory unions and 9 national labor federations since the Labor Law went into effect, including 108 unions and 4 federations during the year. Labor unions continued to expand outside the garment sector as well, and in July the Ministry of Interior recognized the country's first public-sector union, the Cambodia Independent Teachers Association, which registered as an "association." Regulations issued in 2000 to simplify union registration procedures were effective. Unlike in previous years, there were no complaints that the Government failed to register unions or labor federations, although some unions and federations complained of unnecessary delays and costs. Although all unions collect dues from members, none has been able to operate without outside sources of support. None of the unions has the capacity to negotiate with management as equals.

One labor federation maintains an affiliation with the opposition Sam Rainsy Party. Three other registered labor federations have historical ties to the Government or CPP-affiliated individuals within the Government. Two major labor federations and several unaffiliated factory unions are independent. There was credible evidence of employer involvement in some labor unions, in violation of the Labor Law.

The Government's enforcement of provisions that protect the right of association was poor. The Government's enforcement efforts were hampered by a lack of political will and by confused financial and political relationships with employers and union leaders. The Government also suffers from a lack of resources, including trained, experienced labor inspectors, in part because it does not pay staff adequate salaries. In addition unions suffer from a lack of resources, training, and experience. There were credible complaints about antiunion harassment by employers, including the dismissal of union leaders, in more than 20 garment factories and other enterprises during the year. In a case beginning in 2000, a factory continued to defy a MOSALVY order to reinstate dismissed union leaders. The Government has never prosecuted or punished an employer for antiunion activity. The MOSALVY often finds in favor of employees, but rarely uses its legal authority to penalize employers who defy its orders. The MOSALVY often advises employees in such situations to sue in court, which labor unions claim is unnecessary, costly, and ineffective. On several occasions, dismissed union leaders accepted cash settlements after unsuccessfully appealing to the Government to enforce labor law provisions requiring their reinstatement.

In 1999 the Government signed a textile agreement with a foreign country, which linked garment market access to compliance with internationally recognized core labor standards. In January the ILO began a program to monitor working conditions in the garment industry. However, senior officials, including the Deputy Prime Minister and the Minister of Commerce, made public statements throughout the year dismissing the labor movement as being made up of political agitators intent on sabotaging the economy.

The Labor Law provides for the right to strike and protects strikers from reprisal. There were 97 strikes during the year, the vast majority of which took place without the 7-day prior notice required by law. The Government allowed all strikes and demonstrations, including some in which demonstrators caused property damage. In June the authorities arrested several union members for alleged involvement in violent labor demonstrations at a garment factory, and fined them and released them several days later (see Section 2.b.). However, in general police intervention was minimal and restrained, even in cases in which striking workers caused property damage. In spite of the provisions in the law protecting strikers from reprisals, there were credible reports of workers being dismissed on spurious grounds after organizing or participating in strikes. In some cases, strikers have been pressured by employers to accept compensation and leave their employment.

Unions may affiliate freely, but the law does not address explicitly their right to affiliate internationally.

#### b. The Right to Organize and Bargain Collectively

The Labor Law provides for the right to organize and bargain collectively; however, the Government's enforcement of these rights was inconsistent. Wages are set by market forces, except in the case of civil servants, for whom wages are set by the Government.

Since passage of the Labor Law in 1997, there has been confusion over the overlapping roles of labor unions and elected shop stewards. The Labor Law provides unions the right to negotiate with management over wages and working conditions and allows unions to nominate candidates for shop steward positions. However, the Law provides shop stewards the right to represent the union to the company management and to sign collective bargaining agreements. Legal ambiguities also exist in the process by which unions nominate shop stewards. In practice most factories elected shop stewards before a union was present in the enterprise; thus, many unions had no legally enforceable right to negotiate with management in situations in which there were nonunion shop stewards. In addition the law specifically protects elected shop stewards from dismissal without permission from the MOSALVY, but grants no such protection to elected union leaders. In November 2000, MOSALVY issued a regulation that gave trade unions roles comparable to those of shop stewards and extended protection from dismissal to certain union officers within an enterprise. However, these protections for union leaders did not prove effective (see Section 6.a.).

Very little collective bargaining takes place. There are only two collective bargaining agreements registered with the Government, and these do not meet international standards. In addition to difficulties in defining the bargaining unit, collective bargaining is inhibited by the weak capacity and inexperience of unions. In November the Government issued a regulation establishing procedures to allow unions to demonstrate that they represent workers for purposes of collective bargaining. The new regulation also establishes requirements for employers and unions regarding collective bargaining and provides union leaders with additional protection from dismissal.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Labor Law prohibits forced or compulsory labor, including forced labor by children; however, the Government does not enforce its provisions adequately. Involuntary overtime remained widespread. Workers faced fines, dismissal, or loss of premium pay if they refused to work overtime.

Trafficking in women and children for the purpose of prostitution was a serious problem (see Sections 5 and 6.f.). There have been reports of children who were kidnaped and forced to work in the illegal sex trade (see Sections 6.d. and 6.f.). Officials of the Government took action to rescue underage or trafficked women from prostitution, but do not do so consistently (see section 6.f.). There also were reports of isolated cases of forced labor by domestic servants.

One study estimates that there are 88,000 bonded Cambodian workers in Thailand at any given time (see Section 6.f.).

The Law on the Suppression of Kidnaping, Trafficking and Exploitation of Humans (The Trafficking Law) establishes a jail sentence of 15 to 20 years for any person convicted of trafficking in persons under the age of 15 (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Law establishes 15 years as the minimum age for employment, and 18 as the minimum age for hazardous work. The law permits children between 12 and 15 to engage in "light work" that is not hazardous to their health and that does not affect school attendance. A tripartite Labor Advisory Committee is responsible for defining what constitutes work that is hazardous to the health, safety, and morality of adolescents, as well as consulting with the MOSALVY to determine which types of employment and working conditions constitute "light work." MOSALVY has identified six industries as priorities for clarification of what constitutes hazardous work and light work, but has not yet placed the subject on the agenda of the Labor Advisory Committee.

Children under the age of 15 account for more than half the population. Approximately 16.5 percent of children between the ages of 5 and 17 work. More than half of these are over the age of 14, and 89 percent are engaged in small-scale agriculture. Only 4 percent of working children are engaged in larger scale enterprises, including brick factories and rubber plantations.

Child labor was not prevalent in the garment industry, although there was at least one instance of a young worker misrepresenting her age to gain employment in a garment factory. Lack of credible civil documents made it difficult to guard against this practice. Most garment factories have policies that set the age of employment above the legal minimum of 15 years. The most serious child labor problems were in the informal sector.

The MOSALVY is hampered by inadequate resources, staff, and training. Law enforcement agencies have authority to combat child prostitution, but do not do so in a sustained, consistent manner. Some observers note that existing regulations do not address the problem of child labor in the informal sector adequately. With assistance from the ILO, MOSALVY established a child labor unit to investigate and combat child labor. In 1997 the Government, in conjunction with the ILO and NGO's, also approved a national action plan on child labor. The Government has not ratified ILO Convention 182 on the elimination of the worst forms of child labor, and has not established a definition for worst forms of child labor.

The Government prohibits forced or bonded child labor. However forced child labor, including by trafficked children (see Section 6.f.), is a serious problem in the commercial sex industry. In 1999 the ILO's International Program for the Elimination of Child Labor (IPEC) reported that more than 15 percent of prostitutes were between 9 and 15 years of age (see Section 6.f.).

#### e. Acceptable Conditions of Work

The Labor Law requires the MOSALVY to establish minimum wages based on recommendations from the Labor Advisory Committee. By law the minimum wage can vary regionally. In July 2000, the Labor Advisory Committee approved a minimum wage denominated in U.S. currency of \$45 per month, but this covered only the garment and footwear industries. Most garment and footwear factories respected the minimum wage. There was no minimum wage for any other industry.

According to a survey taken during the year by a local economics research center, garment workers, who were paid in U.S. currency, earned an average of \$61 per month, factoring in overtime. However, prevailing monthly wages in the garment sector and many other professions were insufficient to provide a worker and family with a decent standard of living. Civil service salaries also were insufficient to provide a decent standard of living, requiring government officials to secure outside sources of income.

The Labor Law provides for a standard legal workweek of 48 hours, not to exceed 8 hours per day. The law stipulates time-and-one-half for overtime and double time if overtime occurs at night, on Sunday, or on a holiday. The Government does not enforce these standards effectively. Despite reminders from the Government concerning hours of work, workers in many garment factories complained that overtime is excessive or involuntary, or that they are required to work 7 days per week. Some factories do not pay the legally mandated premiums for overtime and night or holiday work properly. Another common complaint is that management violates the law by paying the overtime rate only for the salary component of workers' pay, leaving piece rates unchanged regardless of the number of hours worked. Outside the garment industry, regulations on working hours rarely are enforced.

The Labor Law states that the workplace should have health and safety standards adequate to ensure workers' well being. The Government enforces existing standards inconsistently, in part because it lacks trained staff and equipment. Work-related injury and health problems were common. Most large garment factories producing for markets in developed countries meet relatively high health and safety standards as conditions of their contracts with buyers. Working conditions in most small-scale factories and cottage industries are poor and often do not meet international standards. The Government has issued several instructions on workplace standards, and more detailed regulations await approval by the Labor Advisory Committee before they may be promulgated. Penalties are specified in the Labor Law, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions. Workers who remove themselves from unsafe working conditions risk loss of employment.

#### f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking was a serious problem. Enforcement of the Trafficking Law also was a problem. The country was a source, destination, and transit country for trafficking in persons.

The majority of trafficking takes place within the country, providing both adults and children for exploitation in the country's sex industry. The sex industry is estimated to employ from 80,000 to 100,000 sex workers, a sizable proportion of whom are victims of trafficking. The International Organization for Migration estimates that

at least 3,000 women and girls from southern Vietnam were trafficked to the country to work as prostitutes, with more than 15 percent being younger than 15 years of age. The ILO's IPEC Program reported in 1999 that more than 15 percent of female prostitutes in the country were from 9 to 15 years of age, and that 78 percent of these girls were Vietnamese; the remainder were Cambodians. Women have been trafficked from European countries such as Moldova and Romania, as well, for purposes of prostitution. A UNICEF study reported that one-third of the country's prostitutes were under age 18. Some Vietnamese women and girls are trafficked through the country for exploitation in the commercial sex trade in other Asian countries. One study estimated that 88,000 Cambodians work in Thailand as bonded laborers at any given time; many are exploited in the sex industry or, particularly among young boys, are employed as beggars. One NGO estimated that 30,000 women and girls were trafficked to neighboring countries, especially Thailand. Women and children, especially those in rural areas, are the most likely to become victims of trafficking.

Surveys conducted by domestic NGO's in 1995 indicated that from 40 to 50 percent of young women who were trafficked were victimized by a relative or friend of the family, and were offered money or promises of a better life. Poverty and ignorance in villages was a major factor in contributing to the trafficking problem. Young children, the majority of them girls, often are "pledged" as collateral for loans by desperately poor parents to brokers or middlemen; the child then is held responsible for repaying the loan and accumulated interest. In other cases, parents are tricked into believing the child will be given legitimate work in the city. There is also a problem with the illegal purchase and sale of infants and children. Sometimes this is for purpose of adoption, including by foreign couples, but some of these children may end up abused and exploited (see Section 5).

Given the lucrative nature of human trafficking and the widespread nature of the problem in the country, it is believed that organized crime groups, employment agencies, and marriage brokers all have some degree of involvement. In one area on the Thai border, a recent report estimated that as many as 100 traffickers were carrying out operations.

In December the Government began a general crackdown on prostitution, which has made prostitutes even more vulnerable to intimidation, violence, theft, rape, and disease.

Corruption is endemic in the country, and it is believed widely that law enforcement and other government officials receive bribes that facilitate the sex trade and human trafficking. There were allegations that high-ranking law enforcement and government officials are involved actively in some forms of trafficking in persons.

The Trafficking Law establishes a jail sentence of 15 to 20 years for any person convicted of trafficking in persons under the age of 15; however, the Government does not enforce the law effectively due in part to budget limitations and a lack of implementing regulations.

Although prosecutions of traffickers increased, and the Government devoted greater attention to trafficking during the year, enforcement of antitrafficking laws and prosecution of perpetrators was inconsistent. The Government conducted several raids throughout the year, rescuing numerous commercial sex workers, including underage workers, and providing them with protection while working with NGO's to either reunite the victims with their families or place them in a shelter operated by an NGO or other private charity. The Government arrested several brothel owners; some were convicted, while others were released without charges. The Ministry of Interior's antitrafficking unit reports that it investigated 116 cases between January and July, arrested 112 criminals, and obtained 85 convictions. The unit conducted at least two raids against trafficking rings with overseas connections; in June police arrested six Vietnamese nationals in connection with trafficking commercial sex workers to Malaysia, and in October police arrested two Chinese and one Vietnamese national allegedly involved in trafficking Vietnamese nationals to serve as prostitutes in Macau. Working with the International Organization for Migration, the Government rescued 73 Cambodian forced laborers on Thai fishing vessels who were arrested by the Indonesian navy in July.

The Government has several programs underway in conjunction with the International Organization for Migration to combat trafficking, including one program to provide training and capacity building for Government officials with antitrafficking responsibilities. In September the Ministry of Women's and Veterans' Affairs launched a public education campaign against trafficking, focusing on border provinces.

In July 1999, the Government adopted a 5-year plan against child sexual exploitation that emphasized prevention through information and protection through law enforcement. There were no new developments in the implementation of this plan by year's end.